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**MICHAEL W. HANCOCK, P.E.**  
ACTING SECRETARY

**MEMORANDUM**

**TO:** Division Directors of the Office of Project Development  
Division Directors of the Office of Project Delivery and Preservation  
Chief District Engineers

**FROM:** Chuck Knowles   
Deputy State Highway Engineer for Project Delivery and Preservation

**DATE:** March 19, 2010

**SUBJECT:** Division of Materials

This memorandum intends to specify and clarify some of the roles and responsibilities of the Division of Materials that are not being addressed consistently. The Division of Materials is primarily responsible for testing, evaluating, and approving all ingredient materials and material sources used in the construction and maintenance of Kentucky's highways and bridges. In fulfilling these responsibilities, the Division administers the Kentucky Product Evaluation List (KyPEL), the List of Approved Materials (LAM), and performs material sampling and testing reviews or audits on KYTC contracts. These and other associated items are detailed below:

**KyPEL** – The Product Evaluation List is an online database utilized to track the submittal and approval process for new brand-name products to be utilized on KYTC contracts. Manufacturers submit products into this database for review by the Division of Materials and the New Products Review Committee. Products that meet current specifications of the Cabinet are reviewed or tested and, if approved, are added to the LAM. Products that do not conform to current specifications are evaluated by the review committee. If the committee elevates new products into the Phase IV or V status as identified in KyPEL, then they may be utilized by contractors, if approved through the formal change order process. The Division of Materials should be notified by the Section Supervisor when a change order is initiated to use products from KyPEL. Products which have not been submitted or are not in Phase IV or V shall not be allowed for use on KYTC contracts unless contract specific notes require their use.

**Development of Material Specifications** – The Division will develop draft specifications for products in Phase V status of KyPEL. These draft specifications will be sent to the appropriate Divisions for review and comments. Upon agreement with the affected Divisions, the specifications are submitted to the Division of Construction to be included into supplemental specifications. The Division of Materials will work with other Divisions to determine the appropriate acceptance methods and sample frequencies for new product types.

**Contract Specific Special Notes** – Occasionally, contract-specific special notes are added to proposals during the letting process. If these notes include specific products or material specifications, the Division of Materials will accept these materials based on certification that they conform to the requirements in the note. The Division will not perform testing on product types for which statewide-approved specifications have not been developed.

**Material Certification Reviews/Audits** – The Division performs reviews on all contracts when materials are utilized. Additionally, some of these contracts are randomly selected for an in-depth audit that is much more detailed than the standard reviews. Proper SiteManager Materials contract modifications, proper test procedures, test sizes, test results, SiteManager Materials line item associations, proper use of KyPEL products, and other items are reviewed and documented during an in-depth audit. Beginning with projects let and awarded after April 1, 2010, if inappropriate practices are documented during an in-depth audit, the findings will be sent back to the respective District for corrections or explanations. At some point in the future, inappropriate practices identified during an in-depth audit may be submitted to the Qualification/Audit Program Steering Committee in accordance with KM 64-001 for the appropriate action. It will not be the Division of Materials' responsibility to determine if, or to what extent, documented issues are addressed by the Program Steering Committee or others, as appropriate. If it is found during the in-depth audit that materials have been inappropriately used on contracts, a non-specification material letter (TC 64-757) developed by the Division of Materials will be included in the contract documentation.

In closing, the overall objective of the Materials program is to effectively use processes and software tools to document that the Cabinet is reviewing and approving materials used on construction and maintenance projects. We can improve our performance of the Materials program and your involvement is crucial in realizing these improvements.

CAK/BB

c: Steve Waddle, Acting State Highway Engineer